

TAM:EP:mz

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	CR NO. 1:CR-04-103-01
)	(Judge Kane)
v.)	
)	
FRANCISCO MARCEL, SR.)	

MEMORANDUM ORDER

Pursuant to Title 18, United States Code, Section 4241, the United States filed a motion to have the defendant psychiatrically evaluated, and it appearing that the defendant may not be capable of understanding the proceeding or assisting in the conduct of his defense. Section 4241 of Title 18 allows the Court to order a psychiatric evaluation of the defendant in order to determine his competency to stand trial. The Court will, therefore, grant the motion for a psychiatric evaluation.

AND NOW, this 31st day of May, 2005, it is hereby

ORDERED that the defendant, Francisco Marcel, Sr., be transferred to the Federal Correctional Institution at Butner, North Carolina, for the purpose of undergoing a psychiatric evaluation. Pursuant to Title 18, United States Code, Section 4247, the commitment will be for a reasonable period in which the evaluation can be completed, but in any event no longer than thirty (30) days from his arrival at the designated institution. At the conclusion of this period, the

examiner shall file with this Court a report which comports with the requirements as set forth in Title 18, United States Code, Section 4247(b).

Pursuant to Title 18, United States Code, Section 3161(h)(1)(A), the period resulting from these competency proceedings shall be excluded from any Speedy Trial Act calculations.

s/ Yvette Kane

Yvette Kane

United States District Judge